

# SAINT LUCIA 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Saint Lucia is a multiparty parliamentary democracy. On July 26, in elections considered free and fair by outside observers, the Saint Lucia Labour Party won 13 of the 17 seats in the House of Assembly, defeating the previously ruling United Workers Party. Two seats were won by independent candidates. Philip J. Pierre was named the new prime minister.

The Royal Saint Lucia Police Force has responsibility for law enforcement and maintenance of order within the country. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of criminalization of consensual same-sex sexual conduct between adults, although laws against such conduct were not enforced.

The government took steps to prosecute officials and employees who committed abuses. In August the new government announced it will appoint a special prosecutor to investigate allegations of corruption.

## Section 1. Respect for the Integrity of the Person

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

### b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

## **Punishment**

The constitution prohibits such practices, but prisoners and suspects continued to complain of physical abuse by police and prison officers.

Impunity was not a significant problem in the security forces. The government launched independent inquiries into allegations of abuse. The limited transparency into official investigations sometimes created a perception among civil society and government officials of impunity for the accused officers.

## **Prison and Detention Center Conditions**

Persistent overcrowding and prison violence were noted during the year.

**Physical Conditions:** The Bordelais Correctional Facility was overcrowded; at one point the facility (designed for a maximum capacity of 500 inmates) held 549 inmates. More recent press reporting indicated the inmate population dropped to 484. A spate of three fatalities within a month – including one homicide – raised concerns regarding the safety of those held at Bordelais. In February inmates rioted to protest long trial delays and conditions at the facility, including inadequate measures to control the spread of COVID-19. Following the riot, an internal review was undertaken, and inmates subsequently received disposable masks and hand sanitizer. In September one inmate who had been declared medically unfit to stand trial and “held at the court’s pleasure” (an indefinite sentence) was killed in prison.

**Administration:** Authorities investigated allegations of mistreatment. A five-member board of visiting justices reviewed complaints from prisoners.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers. Prison monitoring was typically done by local, regional, and international nongovernmental organizations (NGOs), although no independent visits occurred during the year due to COVID-19 restrictions.

## **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court.

The government generally observed these requirements. In April press reported that a local campaign manager for one candidate of the country's then opposition party was detained on suspicion of organizing an illegal protest that violated national COVID-19 protocols. She was subsequently released without charge.

### **Arrest Procedures and Treatment of Detainees**

The constitution stipulates authorities must apprehend persons openly with warrants issued by a judicial authority. The law requires a court hearing within 72 hours of detention. Authorities allowed detainees prompt access to counsel and family. There was a functioning bail system.

**Pretrial Detention:** Prolonged pretrial detention was a significant problem. As of October those awaiting trial represented more than 70 percent of the inmate population. Individuals charged with serious crimes often spent between six months and six years in pretrial detention. The oldest case awaiting trial dated to 2006 and was set to be heard in January 2022.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have the right to the presumption of innocence, prompt and detailed information about charges, and a fair and public trial without undue delay. They have the right to be present at their own trial; communicate with an attorney of their choice; have adequate time and facilities to prepare a defense; receive free assistance of an interpreter as needed; confront prosecution or plaintiff witnesses and present their own witnesses and evidence; not be compelled to testify or confess guilt; and appeal. Attorneys are

provided at public expense to indigent defendants only if the charge is murder.

### **Political Prisoners and Detainees**

There were no reports of political prisoners and detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation. Individuals and organizations cannot appeal adverse domestic decisions to regional human rights courts for a binding decision. Individuals and organizations may present petitions to the Inter-American Commission on Human Rights.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for the Members of the Press and Other Media**

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private

online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Married, widowed, or divorced women, as well as women who are naturalized citizens, must fill out additional information on passport applications that is not required of men regardless of marital status or their path to citizenship.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern. The government assisted the safe, voluntary return of refugees to their home countries.

**Access to Asylum:** The law does not specifically provide for the granting of asylum or refugee status, and the government has not established a system for

providing protection to refugees.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

**Recent Elections:** In July the Saint Lucia Labour Party (SLP) defeated the United Workers Party, winning 13 of 17 parliamentary seats, and SLP leader Philip J. Pierre became prime minister. Independent candidates won seats, albeit in districts not contested by the SLP. Elections experts from the Organization of American States, Caribbean Community, and the Commonwealth observed the elections at the government's invitation; they reported that the elections were generally free and fair.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws, but not always effectively. There were isolated reports of government corruption during the year.

**Corruption:** There were no developments in any major corruption cases.

### **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic human rights groups generally operated without government restriction,

investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of men or women, which is punishable by 14 years' to life imprisonment. The law criminalizes spousal rape only when a couple is divorced or separated or when there is a protection order from the Family Court. Authorities generally enforced the law. *Roungement* – the practice of parents accepting monetary compensation to settle rape and sexual assault cases out of court – is prohibited by law but was commonly practiced and rarely prosecuted.

The law prohibits sexual assault; nevertheless, it was underreported and not always prosecuted. High-level government officials supported strengthening family-law legislation and avenues of recourse for victims of gender-based violence.

Domestic violence remained a significant problem. While police were willing to arrest offenders, the government prosecuted crimes of violence against women only when the victim pressed charges. In July the Department of Gender Relations, with the assistance of the UN Population Fund, adopted and implemented procedures for gender-based violence referrals to improve access to professional services, up-to-date information, and timely referrals in both emergency and nonemergency situations.

The law provides for five years to life of incarceration for those convicted of domestic violence, and the law was generally enforced. Shelters, a hotline, and detailed national policies for managing domestic violence were available, but victims lacking financial security were often reluctant to remove themselves from abusive environments. Police faced problems such as a lack of transportation that at times prevented them from responding to calls in a timely manner. The NGO Saint Lucia Crisis Center received monthly government funding. It maintained a facility for female victims of domestic violence and their children and a hotline for support. The center reported that it was unable to meet the needs of all victims

seeking assistance and that donations and fundraising activities had declined due to the negative economic impact of COVID-19.

The Department of Gender Relations operated the Women's Support Center, a small residential facility for victims of domestic abuse. The crisis center reported that persons requesting counseling services often lacked funds to access either physical or virtual services because they could not afford public transportation or internet services. The center received referrals from government, the prison, and school counselors but had limited resources to meet the needs of all persons in need of services.

The Ministry of Education, Innovation, Gender Relations, and Sustainable Development assisted victims of domestic violence. Authorities referred most cases to a counselor, and police facilitated the issuance of court protection orders in several cases. The Department of Gender Relations operated several gender-based violence prevention programs in schools and through community-based groups.

The Family Court hears cases of domestic violence and crimes against women and children. The court can issue a protection order prohibiting an abuser from entering or remaining in the residence of a specified person. The court remands perpetrators to an intervention program for rehabilitation. The court employed full-time social workers to assist victims of domestic violence.

**Sexual Harassment:** The law prohibits sexual harassment, but sexual harassment remained a problem. Government enforcement was not an effective deterrent. Most cases of sexual harassment were handled in the workplace rather than prosecuted under the law.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Contraception, including emergency contraception, was widely available for those age 18 or older. There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage.

The maternal death rate for 2017 was 117 deaths per 100,000 live births, which was the most recent available information. This rate, as with many suboptimal

health outcomes, was due to broader problems in the health-care system.

Survivors of sexual violence could access services from any of the public hospitals and wellness centers and from the Saint Lucia Planned Parenthood Association. Various divisions of the government worked together to assist victims of sexual and gender-based violence, including through the Ministry of Health's Department of Social Services, Ministry of Education's Department of Gender Relations, and the police Special Victims Unit.

There were no apparent legal or social barriers related to menstrual health that impacted the ability of women and girls to participate equally in society or to access educational opportunities. Economic barriers existed, however, leading one NGO to continue its campaign to provide hygiene products to lower-income women and providing education beyond the "brief" discussion of menstruation in the national school curriculum.

**Discrimination:** The law generally provides the same legal status and rights for women and men. The law requires equal pay for equal work. Women were underrepresented in the labor force, had higher levels of unemployment than men, sometimes received lower pay, and sometimes faced additional informal hurdles to gaining access to credit. The law provides for the equal treatment of women with respect to family property, nationality, and inheritance. The foreign husband of a Saint Lucian woman does not automatically receive Saint Lucian citizenship, but the foreign wife of a Saint Lucian man does.

## **Systemic Racial or Ethnic Violence and Discrimination**

There were no reports of systemic racial or ethnic violence and discrimination. The country is racially homogeneous; in the latest (2010) census, 96 percent of residents identified as being of full or partial African descent. Members of other communities, such as citizens of East Indian or Middle Eastern descent, had an equal role in society.

## **Children**

**Birth Registration:** Children receive citizenship by birth to a parent with citizenship. Authorities provided birth certificates without undue administrative

delay.

**Child Abuse:** The law prohibits all forms of child abuse, but child abuse remained a problem. The Department of Human Services and Family Affairs handled cases of sexual abuse, physical abuse, abandonment, and psychological abuse.

Although the government condemned the practice, parents of sexually abused children sometimes declined to press sexual assault charges against the abuser in exchange for the abuser's financial contributions toward the welfare of the victim. Nonetheless, courts heard some child sexual abuse cases, convicted offenders, and sentenced them.

The Human Services Division provided services to victims of child abuse, including providing homes for severely abused and neglected children, counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while the child was cooperating with police and attending court. The crisis center reported an increase in child abuse cases and behavioral problems among children. They also reported an increase in sexualization of children and an increase in depression and suicidal thoughts among children since COVID-19.

A local NGO reported that lack of counseling, a lack of proper rehabilitation and reintegration policies, poor processes and procedures, and a lack of clarity of the new juvenile justice law were the main human rights issues impacting minors.

An NGO reported that the Boys Training Center, the main juvenile detention facility, was ill-equipped and housed juvenile offenders together with juveniles under state care and protection. The NGO received reports that physical, emotional, sexual, and psychological abuses were frequently perpetrated by staff at the center. An NGO representative said the permanent secretary of social justice, who had direct jurisdiction and responsibility for the facility, and the government failed to carry out a comprehensive investigation and hold employees accountable for abuse of state wards. The representative also reported a lack of proper facilities and staff for juvenile offenders, including having no teachers at the Boys Training Center.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18

for men and women, but 16 with parental consent.

**Sexual Exploitation of Children:** Laws on sexual offenses cover rape, unlawful sexual contact, and unlawful sexual intercourse with children younger than age 16. The age of consent is 16, but a consent defense may be cited if the victim is between ages 12 and 16. The law prohibits sex trafficking of children younger than 18. No law defines or specifically prohibits child pornography. The government did enforce laws on sexual offenses against children, including through a police team that focused solely on sexual crimes, including sexual crimes involving children. For example, in April a male relative was arrested for the sexual abuse of a child who was found chained in a house.

An NGO reported a lack of social protection systems to assist vulnerable children, while another NGO received frequent reports of child sexual and physical abuse, including reports of staff abusing juveniles in juvenile detention facilities.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was a small organized Jewish community, and there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Government regulations require access for persons with disabilities to all public buildings, but only a few government

buildings had access ramps. Persons with disabilities have the right to vote, but many polling stations were inaccessible for voters with impaired mobility.

The Ministry of Health operated a community-based rehabilitation program in residents' homes.

Children with physical and visual disabilities were sometimes mainstreamed into the wider student population. There were schools available for persons with developmental disabilities and for children who were hard of hearing, deaf, blind, or visually impaired. Children with disabilities faced barriers in education, and there were few employment opportunities for adults with disabilities. NGOs reported they had no record, knowledge, or reports of children with disabilities being institutionalized in any of the state homes for juveniles.

While there were no reports of discrimination, civil society representatives reported difficulty obtaining data on discrimination.

## **HIV and AIDS Social Stigma**

NGOs complained that government officials did not test persons held at state facilities, e.g., at the state psychiatric facility, for HIV. Civil society groups reported health-care workers occasionally did not maintain appropriate patient confidentiality with respect to HIV or AIDS status.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Civil society representatives reported widespread societal discrimination against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. Some openly LGBTQI+ persons faced verbal harassment and physical abuse, including a reported public attack on a gay man walking in the street. Civil society groups reported LGBTQI+ persons were forced to leave public buses, denied jobs, or left jobs due to a hostile work environment.

The law criminalizes consensual same-sex sexual acts of “gross indecency” (defined as sexual acts other than intercourse) as well as “buggery” (consensual intercourse between men) with a maximum penalty of up to 10 years in prison.

Attempted consensual sexual intercourse between men is punishable by five years in prison. None of these laws was enforced in practice.

The law does not extend antidiscrimination protections to sexual orientation, gender identity, gender expression, or sex characteristics, with one exception in the context of employment (see section 7). The government funded NGOs that provided services to LGBTQI+ persons. Major gaps existed on LGBTQI+ topics, such as a lack of training and understanding of important LGBTQI+ matters. A lack of inclusive policy guidance allowed individual health providers or other service providers to deny services to LGBTQI+ persons based on the providers' personal beliefs.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law specifies the right of most workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, and workers fired for union activity have the right to reinstatement. Penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination. The government did not effectively enforce the law.

The law restricts the right to strike and bargain collectively by police, corrections service, fire department, health service, and utilities (electricity, water, and telecommunications) on the grounds these organizations provide "essential services." These workers must give 30 days' notice before striking. Once workers have given notice, authorities usually refer the matter to an ad hoc labor tribunal set up under the Essential Services Act. The government selects tribunal members, following rules to ensure tripartite representation. These ad hoc tribunals try to resolve disputes through mandatory arbitration.

The government generally respected freedom of association, and employers generally respected the right to collective bargaining. Workers exercised the right to strike and bargain collectively. No move towards short-term contracts during

the COVID-19 pandemic was reported either by the government or NGOs.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced labor and offers protection from slavery and forced labor; however, forced labor is not criminally prohibited unless it results from human trafficking. The government did not have written procedures to guide officials on the proactive identification and referral of trafficking victims.

The International Labor Organization noted with concern that the law allows for prisoners to be hired out to or placed at the disposal of private individuals, companies, and associations.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

Not all of the worst forms of child labor are prohibited. Although the criminal code prohibits the use of children in some illicit activities, such as prostitution, the use, procuring, or offering of a child younger than 18 for illicit activities, in particular for the production and trafficking of illegal drugs, is not criminally prohibited.

The law provides for a minimum legal working age of 15 once a child has finished the school year. The minimum legal age for industrial work is 18. The law provides special protections for workers younger than 18 regarding working conditions, and it prohibits hazardous work. There are no specific restrictions on working hours for those younger than 18. There is no comprehensive list of what constitutes hazardous work; however, the law prohibits children younger than 18 from working in industrial settings, including using machinery and working in extreme temperatures. Children ages 15 to 17 require a parent's permission to work.

The Ministry for the Public Service, Home Affairs, Labour, and Gender Affairs is responsible for enforcing statutes that regulate child labor. The penalties were not commensurate with those for analogous crimes, such as kidnapping, and the law

were not effectively enforced.

There were no formal reports of violations of child labor laws, and the government did not report any investigations (see section 6, Children). Nevertheless, government officials, civil society, and educators suspected that children from poor families were vulnerable to unorganized commercial sexual exploitation and engaged in sexual activity in exchange for goods or services.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination based on race, skin color, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status, and HIV or AIDS status. The law requires that men and women receive equal pay for equal work but sets different rates of severance pay for men and women. Although the law prohibits employers from terminating employees on the grounds of sexual orientation, civil society groups received reports of LGBTQI+ persons being denied jobs or leaving jobs due to a hostile work environment. There are no specific penalties for discrimination; penalties for discrimination are covered under the general penalties section of the labor code. The government did not effectively enforce applicable laws. Penalties were commensurate with laws related to civil rights.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a minimum wage for some sectors, including office clerks, shop assistants, and messengers. On average the sector-specific minimum wages were below the official poverty level.

The legislated workweek is 40 hours, with a maximum of eight hours per day. Special legislation covers work hours for shop assistants, agricultural workers, domestic workers, and industrial workers. Labor laws, including overtime rules and occupational health and safety standards, apply to all workers, whether in the formal or informal sector. The Department of Labour reported that some workers

filed complaints regarding violations of regulations regarding work conditions, work hours, or minimum wages. The sectors in which violations typically occurred were manufacturing, construction, wholesale and retail sales, restaurants, hotels, finance, insurance, and services, particularly private security services.

The labor code provides penalties that were not commensurate with those for similar crimes such as fraud, but the government effectively enforced the existing law. The Ministry for the Public Service, Home Affairs, Labour, and Gender Affairs was responsible for monitoring implementation of labor laws. Employers were generally responsive to ministry requests to address labor code violations, and authorities rarely levied fines.

Officers effectively monitored compliance with standards governing pensions, terminations, vacation, sick leave, contracts, and hours of work. Inspectors have the authority to initiate sanctions, institute proceedings before the tribunal, or hold informal inquiries when complaints are brought to their notice. There were no reported violations of wage laws, and most categories of workers received wages higher than minimum wage, based on prevailing market conditions. Labor unions reported in March that some employers used the COVID-19 pandemic to lay off and rehire workers at a lower salary for the same job. The government launched investigations following these reports.

**Occupational Safety and Health:** The government set occupational safety and health (OSH) standards that were current and appropriate. The government conducted OSH inspections, but the number of inspectors was not adequate to enforce compliance. Penalties for violations of OSH laws were not commensurate with those for analogous crimes, such as negligence. Public-health measures due to COVID-19 limited or prevented some inspections. In September an inmate at the Bordelais correctional facility reportedly died from injuries sustained after a steam iron exploded in the tailor shop.

Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in these cases. In May the public service union expressed concern regarding the end of all alternative working arrangements (including remote work) in some government departments despite the absence of adequate arrangements to

ensure the safety of workers during the ongoing COVID-19 pandemic. The union advised workers to avoid situations that would be harmful to their wellbeing. The ministry's labor department reported receiving 25 complaints regarding workplace health and safety. As of November, approximately one-half of the complaints were resolved.

**Informal Sector:** The informal sector was mainly made up of micro and small businesses and accounted for a large share of employment. It included a wide cross section of sectors, such as agriculture, manufacturing, construction, wholesale, retail, transportation, accommodation, and other service activities. The government does not legally define or collect statistics on the informal economy, whose workers do not benefit from employment-related social protections.